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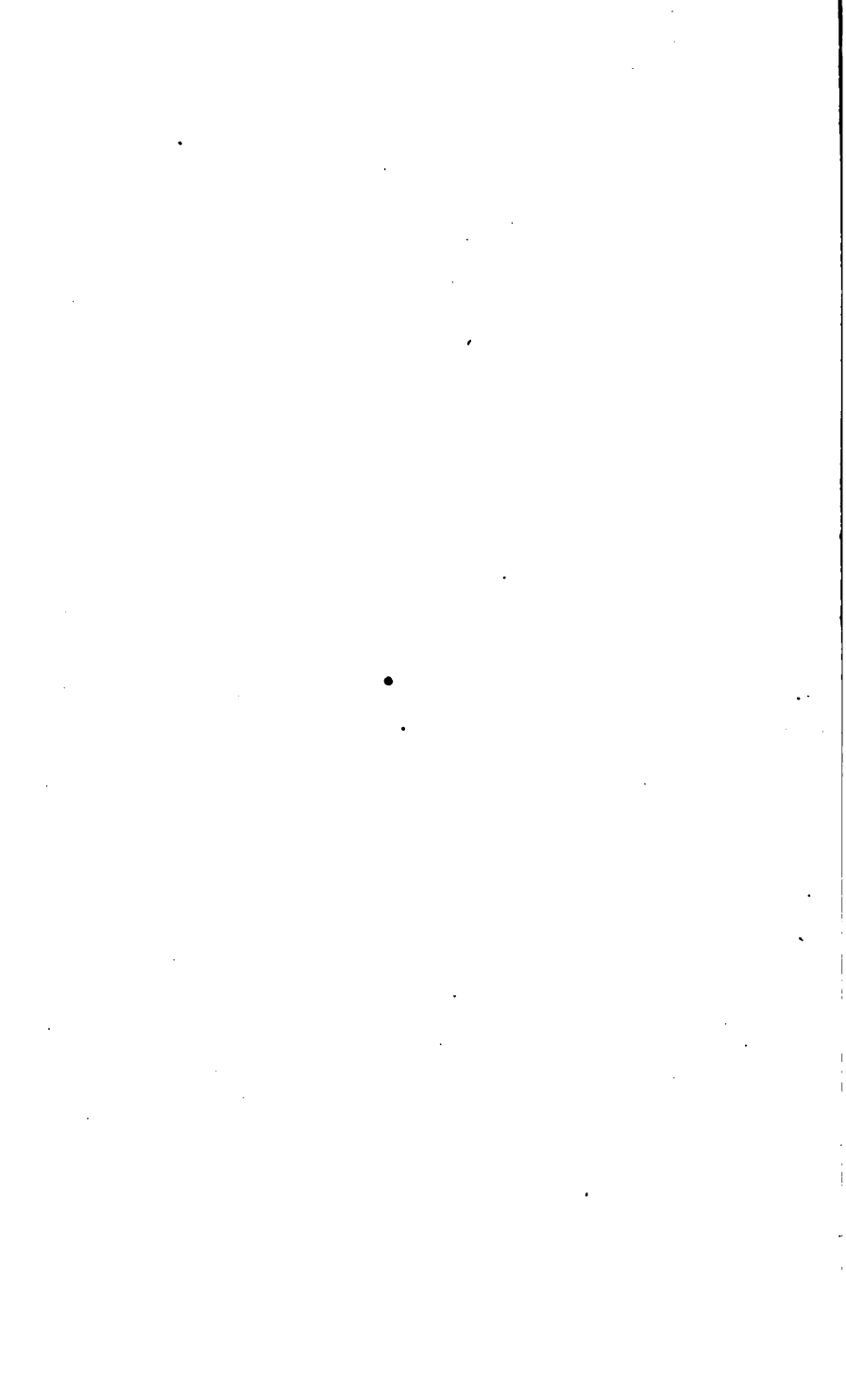
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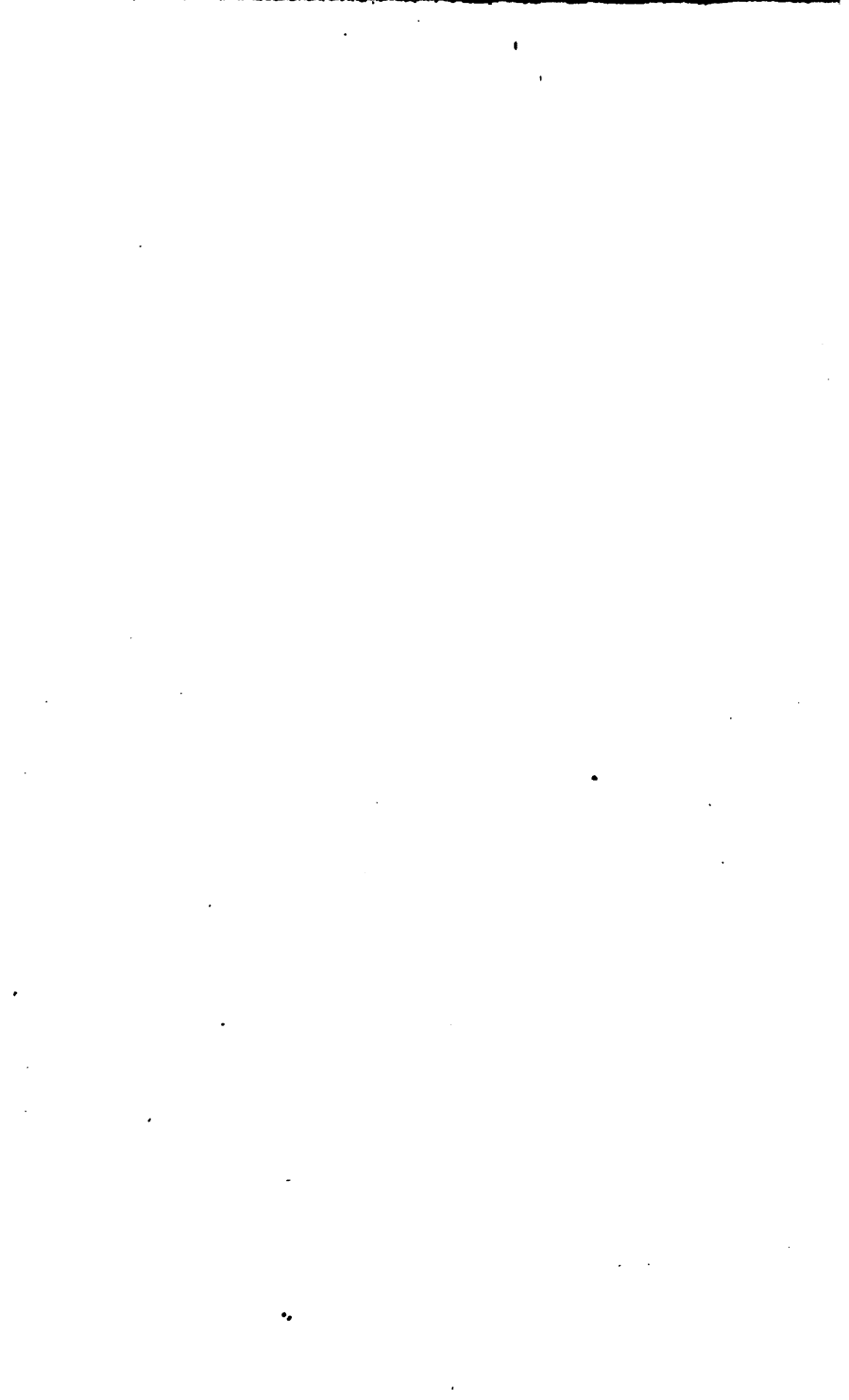


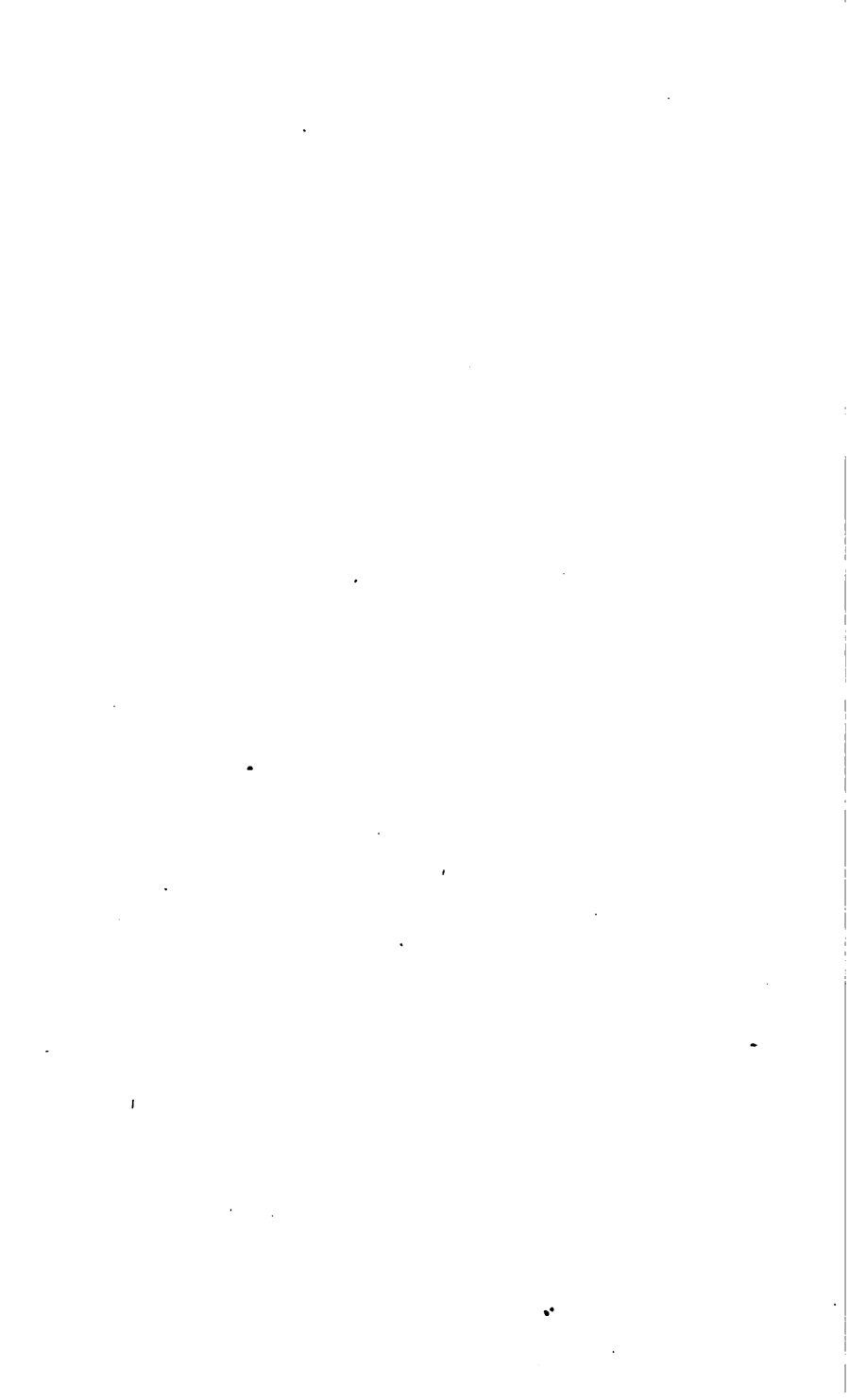
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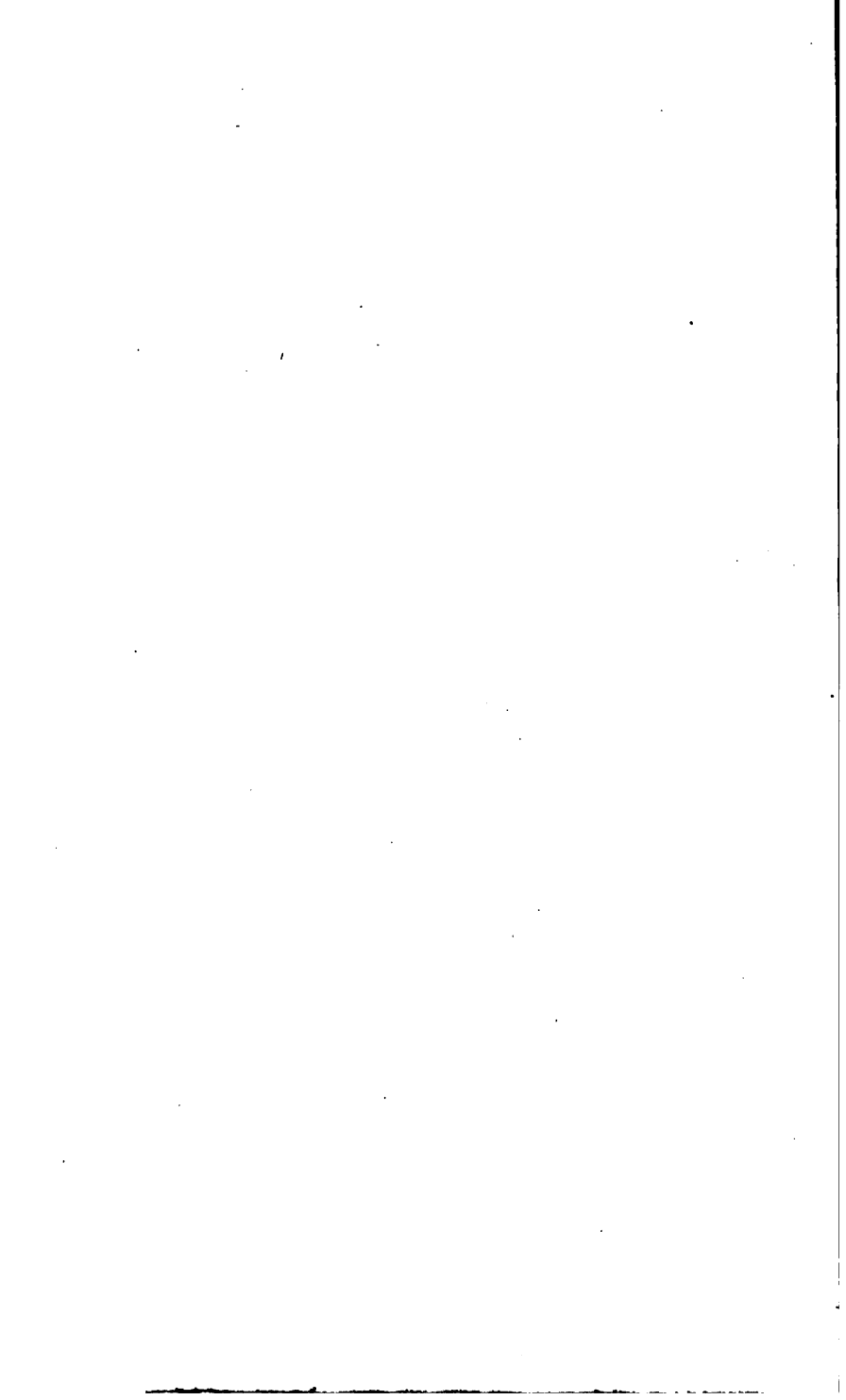






**JAMES ROBERT DUNBAR**





**JAMES ROBERT DUNBAR**  
**A MEMORIAL**



**BOSTON**  
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## JAMES ROBERT DUNBAR

**A** MEETING of the Boston Bar Association was held on Saturday, December 18, 1915, at twelve o'clock, noon, in the full bench room of the Supreme Judicial Court in the Suffolk County Court House, in memory of the late James Robert Dunbar. A large and distinguished assembly of judges and lawyers, with members of the family of Judge Dunbar and other friends, filled the room. The president of the association, Samuel J. Elder, in stating the object of the meeting, said:

“We are assembled again, Brethren of the Bar, to pay the last tribute that we can pay to one of our friends, one of our associates, a distinguished judge, and an eminent practitioner. Following the customary form, a committee was appointed by the Bar Association of the

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City of Boston to prepare a resolution, accompanied by a memorial, upon the services and life of our friend, with a request that it be presented first to the Bar of Suffolk County, and afterward, if adopted, to the Supreme Judicial Court."

This committee, which consisted of William V. Kellen, chairman, Nathan Matthews, Henry F. Hurlburt, Sherman L. Whipple, and Felix Rackemann, then offered the following memorial:

**JAMES ROBERT DUNBAR**, a leader of the Bar, sometime Justice of the Superior Court, died on August 20, 1915.

He was descended from a Dunbar of Dunbar who was driven by religious persecution from Scotland to Ireland in the seventeenth century. With this sturdy Scotch stock was later as-

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simulated a strain of German blood, when his grandfather, John Dunbar, married Ann Delmage, whose people, suffering like persecution and fleeing the Palatinate for America, were wrecked on the shores of Ireland, and there settled. These grandparents, to better their condition, migrated to Canada. There his father, Henry William Dunbar, was born; he married Elizabeth Richards, whose family came from Cornwall, and the young people, in their turn, left Canada, and, after a brief stay in the State of New York, came to Massachusetts and settled in Pittsfield, Berkshire County, where James Robert was born on December 23, 1847.

Young Dunbar went to the public schools of Pittsfield and there fitted for college, gaining practical experience, in an interval of school attendance, as a clerk in the village post-office. He



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entered Williams College in 1867, was in due course elected to the Phi Beta Kappa Society, and was graduated with distinction in the class of 1871. Subsequently he studied law in the office of Milton B. Whitney of Westfield, a much respected member of the Hampden County Bar, and later, during the year 1873, pursued his legal studies at the Harvard Law School. He was admitted to the Bar of Hampden County in April, 1874, and was at once taken into partnership by Mr. Whitney, and with him practised law to their mutual satisfaction for several years in Westfield.

From the first he affiliated with the Republican party, and was active and influential in town and county affairs. He became one of the leading men in the town, served as moderator at town meetings, and grew in the estimation

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of his neighbors and of his brethren of the Bar. For Westfield (though compelled by circumstances to leave that town) he always retained a lively affection, and there his ashes lie buried.

He was elected to the General Court of 1885 as a member of the Senate from the Hampden District, a position to which he was returned for 1886. He early impressed his fellow senators as a man of sound sense and conservative instincts, of sane judgment, and of absolute sincerity. He became a leader to whom men of both parties listened with respect, and whom in non-partisan matters especially they followed with increasing confidence. He was chairman of the Committee on Election Laws and a member of the Committee on the Judiciary during both terms, and during his second term he also served on the Committees on

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Bills in the Third Reading and on the Revision of the Judicial System of the Commonwealth. During his first term he also acted as chairman of a Joint Special Committee on certain State House Expenditures.

In January, 1887, the partnership with Mr. Whitney was dissolved, and he continued the practice of the law alone. Later in that year he was appointed and served for a few months as District Attorney of Hampden County, upon the election of the Hon. Andrew J. Waterman, who held that office, as Attorney-General.

In March, 1888, with the training and reputation gained at the Bar and in public service, he reached the position for which habit of mind and temperament preëminently fitted him, when he was appointed by Governor Ames an associate justice of the Superior Court.

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For the ten years ensuing, or until March, 1898, Judge Dunbar rendered unremitting service to the people of the state as a member of the great trial court of the Commonwealth. During the latter part of this period, in addition to the exacting duties of a trial judge, he also acted as secretary to the justices.

While still a justice of the Superior Court, he rendered, outside his judicial duties, a notable service to the state. One of the many state commissions to report on desirable changes in the laws relating to taxation had been created, of which the Hon. John Lowell was made chairman. Upon the commission was such an eminent man of affairs as the Hon. T. Jefferson Coolidge, and such a leading economist as Professor Frank W. Taussig. When Judge Lowell died, Governor Wolcott, in

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June, 1897, tendered the vacant chairmanship to Judge Dunbar. He at first declined to serve, but the governor was courteously insistent, other distinguished citizens joined in the pressure, and Judge Dunbar finally gave up a much needed vacation and devoted the summer to the arduous work of the commission. The report of the commission was received by the Legislature, but its substantive recommendations were not enacted into law; the only immediate result was the addition to the state archives of a well-developed and inexhaustible mine of information and suggestion on the subject of taxation, to which may be traced many of the satisfactory changes in the tax laws that have since been made.

Early in 1898 an attractive opportunity came to Judge Dunbar to leave the bench and resume the practice of

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the law. In view, chiefly, of the educational demands of a large and growing family, which the salary at that time of a Superior Court judge made it difficult to satisfy, on March 7 he resigned from the bench, to the regret of his associates, the Bar, and the community. As evidence of his promptness and method in doing his judicial work, it may be noted that when the unexpected invitation came to him to go back to the Bar, his sole unfinished business was the passing on a motion for a new trial and the settling of a bill of exceptions. He became the senior member of the firm of Dunbar and Rackemann, afterward Dunbar, Rackemann, and Brewster, and took his position as a leader of the Bar. Subsequently, and for purposes of convenience solely, this firm was dissolved, and the firms of Dunbar and Rackemann and of Racke-

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mann and Brewster were formed, continuing practice in the same offices as before. The task of adapting himself anew to the rôle of counsellor and legal practitioner was made easier by his selection to do a class of professional work which came to him increasingly throughout life. The same qualities of lucidity of judgment, businesslike procedure and promptitude, joined to patience in seeking a just result, which had made him a model judge, also made him an eminently satisfactory master, referee, and arbitrator. Were there a particularly important matter before the courts, as regards amount or principles involved, or novelty of questions to be determined, counsel as well as the courts were prone to seek his assistance in determining the facts, or in unravelling mixed questions of law and fact, as well as in laying down the law

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applicable thereto. Among such cases were the East Boston Flats case, involving the title to extensive and valuable frontage land under tidal waters; the Worcester and the Neponset-Harrison Square grade-crossing cases, and the New Bedford-Fairhaven Bridge case, involving the apportionment of expenses and damages among railroads, municipalities, and the state.

Another notable, and in its treatment and results, unusual service rendered by Judge Dunbar to the courts, the legal fraternity, and the public generally, both in Boston and the state, was as chairman of a commission to remodel and extend the Suffolk County Court House. Judge Dunbar had able associates on that commission, but it is not too much to say that his was the directing and initiating mind that led to the work's being accomplished with sys-



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tem, speed, and economy. The initial plans and all subsequent changes were adopted only after careful study, and were not undertaken until adequate appropriations were made by the Legislature. A complete and convenient court house, so far as original limitations would permit, was the result, paid for within the estimates and appropriations.

On May 15, 1875, Judge Dunbar was married at Westfield to Harriet Peirce Walton, who, with five children, survives him. Upon his appointment to the bench he moved with his family first to Newton, and soon afterward to Brookline, where he died. In Brookline also, he continued to take an active interest in town affairs, and, as a member of the Committee of Thirty, so called, which annually makes up a budget and recommends a municipal programme,

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he rendered the town of his adoption many a wise service. In that town as in Westfield he served for a period as a member of the school committee, and in 1898 acted as its chairman.

Judge Dunbar's interests were not confined to the demands of his profession or to the discharge of his duties as a citizen. For many years, after leaving the bench, he showed his sympathy with worthy, ambitious, and wage-earning young men, anxious for admission to the Bar, by serving as president of the Y. M. C. A. Evening Law School.

A loyal and devoted son of Williams, to which he sent his two elder sons, he was on June 25, 1900, elected a member of the Board of Trustees of that institution. From 1903 until 1914 he served on the Library Committee, and thereafter on the Committee

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on Grounds, Buildings, and Improvements. After his death, the trustees adopted a memorial resolution which concluded as follows: "Judge Dunbar's loyalty to Williams and his active interest in its welfare remained constant throughout his life. His service as a trustee was faithful and alert, revealing not merely his professional acumen, but also a shrewd judgment of men and tendencies, tolerance of view, and a winning courtesy toward his associates."

Always a helpful and guiding member of the Boston Bar Association, he served for many years as chairman of the watchful and efficient Committee on New Legislation.

The two predominant traits of Judge Dunbar's character were his judicial temperament and his intellectual honesty. Accompanying these character-

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istics was a third, quite as conspicuous and unusual,—an unselfish loyalty to his friends, of which this “winning courtesy to his associates,” and indeed to all men of high and low degree, was but an incident.

In his death at the height of his professional usefulness, his friends have lost a devoted friend; the Bar a conservative and vigilant leader; his clients a wise, restraining, and upright adviser; the community an earnest promoter of its best interests; and the Commonwealth an honored citizen and faithful servant.

WILLIAM V. KELLEN spoke as follows:

**I**N the death of the Hon. James R. Dunbar the State lost an exceptional citizen, and the Bar an eminent member, who, by his services as judge and practitioner, reflected credit upon the

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profession of the law. He was endowed by nature with the essential qualities of mind and heart that make for happiness, success, and service to one's fellows. His was preëminently a sound mind in a sound body. If, as James Russell Lowell once said, "culture is the ability to see things as they are," then Judge Dunbar was a highly cultivated man. He had a singularly retentive memory, which placed at his command a ripe store of ancient learning, with which busy men are apt to part company as they grow older. He also kept abreast with the pursuits of modern scholarship. He possessed deep knowledge of the law, based upon a profound study of principles as laid down in text-books and in leading cases old and new. He belonged to the gifted group of lawyers who, if the vast accumulation of text-books and reports—fast approach-

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ing the limit of human mastery—should be swept away, could reproduce the whole body of the law in logical, consistent, and workable form. He was, moreover, that kind of a lawyer, popularly called a “lawyer’s lawyer,” to whom members of the Bar themselves resorted, and who received from him invariably helpful advice and assistance in their perplexities.

He had a mind trained to act easily and accurately, which enabled him to do promptly work of the highest quality. He had a great love of nature and of the wild products of field and mountain, which made of him the most cheerful and instructive of out-of-door companions. He never ceased to love the Berkshire Hills, and recounted with zest his tramps among them in college days. He had a keen taste for the best things in art and literature, and his crit-

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icisms were discerning and stimulating. He not only possessed the power of seeing things as they are, but the equally rare faculty of exact statement of the truth about them. He would not suffer an inexact statement of fact of which he had knowledge, to pass uncorrected; nor would he hesitate to say "I do not know" if he did not know.

He had a genius for friendship and was the most loyal and unselfish of friends. Yet the most intimate of friends could seek, and be sure of receiving from his lips, the most impartial, not to say unpalatable, advice and helpful criticism, utterly unbiassed by any personal feeling or predilection. He never allowed his heart to interfere with his head. He possessed reasoning powers of the highest order, alongside which lay an intuitive faculty together with a fund of common sense, which enabled

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him frequently to reach a swift and correct conclusion without resorting to argument. It was also his habit to test a new and difficult question by taking the side opposed to his first impression, and to argue it till a satisfactory result was reached.

He was unfailing in his sympathies and charitable in his judgments, save only when one departed from the strict line of truth in act or statement,—then his condemnation was sweeping and unmeasured.

With such and cognate qualities of mind and heart, nature intended him for a judicial career. It is a matter of regret that the state did not have continuous and exclusive command of his services in that high capacity through life. He had the judicial temperament, the complete intellectual sincerity, the active sympathy for human kind, the in-



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tuitive and experienced knowledge of human nature, the freedom from petty prejudices, the balance and breadth of judgment, the exactness of mental definition, combined with an unusual capacity to transact business promptly, all joined with abundant learning, that mark the perfect judge. Just as we say in admiration of a Jeremiah Mason or a George Ashmun that he exhibited the highest type of "legal mind," so one may say, in summing up his qualifications for the bench, that James Robert Dunbar was endowed with the highest type of "judicial mind." It is not strange, therefore, that upon his appointment to the bench his success was immediate, and that his usefulness as a judge became more and more pronounced until his regretted retirement.

In his ten years of service he won the loyalty of the Bar, the confidence of

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juries, and the respect of suitors. His simple and native dignity, coupled with direct and unaffected manners, inspired respect and led to mutual understanding without inducing familiarity. He dominated the court-room without brusqueness or fussiness. He laid down the law in the case before him as his alert and trained judgment assured him the law had grown to be, without unduly concerning himself about the ultimate decision in the Appellate Court, upon fuller argument and mature consideration. It may be noted in passing that of the one hundred and twenty-six cases that went to the full bench upon exception, or otherwise, to his rulings, the decree was affirmed or the exceptions overruled in one hundred and two, and of the remaining twenty-four, the exceptions were sustained in sixteen, and the decree reversed, or merely

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modified as to damages, or otherwise, in eight. Being overruled did not disturb him, much less did it anger him; being sustained did not unduly elate him. This habit of mind left him free to do the work in hand with the single-minded purpose of reaching, or assisting a jury to reach, a just decision. His charges to juries were models of terse and lucid English. He confined himself to the salient points of the case, and left no doubt in the minds of the jury of the principles of law by which they should be guided in sifting the evidence and deciding the facts. He withheld—such being the law—comment upon the facts, and left, and was content to leave, questions of fact for the jury to decide.

When the educational demands of a growing family seemed to require it, Judge Dunbar brought an increasingly honorable career upon the bench to an

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end to engage again in the rivalries and competitions of the Bar. He did not find it easy to exchange a rôle concerned equally with both sides of a case, for that seeking the furtherance of one side only.

During this period of readjustment, indeed through the rest of his professional life, his services were in constant request by the courts and by counsel as auditor, master, or commissioner. Were there difficult cases involving private or public property rights, depending upon a careful sifting of conflicting or obscure evidence, and a wise sense of legal inference; or cases involving the proportional responsibility of allied municipalities for the cost of public improvements; or the framing of plans for the separation of grade-crossings and the sharing of expense and damage among railroad, city, and state,

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Judge Dunbar was likely to be the choice of both court and counsel to pass upon the questions involved. His reports in such cases were quite as likely to be accepted as final.

A member of the Bar closely associated with him has said of him: "The trait in Judge Dunbar's character which was perhaps most marked, and which governed his every action and decision, was his judicial temperament based on an intellectual honesty which was unsurpassed. His capacity for quickly discerning the kernel of a case and for judging it without fear, favor, prejudice, or sentiment was extraordinary, and gave to his judgments and professional advice the value which was universally accorded to them. Naturally modest and never self-seeking, his service on the bench and his intimate relations with many of the judges made

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him reluctant to assume the part of trial lawyer, but he advised in very many cases of great importance both in the state and federal courts and in important matters of public interest."

It is difficult for one who stood near to him as friend, client, and admirer, to sum up without exaggeration the career of this sound judge, reliable *amicus curiae*, and high-minded lawyer. As a judge he was sage, sane, and spotless; as a legal adviser he was accurate, judicious, not inclined to excite undue expectations; and as a citizen he was safe, helpful, brave, and conservative.

The Hon. JOHN W. HAMMOND, formerly an Associate Justice of the Supreme Judicial Court, spoke as follows:

I GLADLY embrace this opportunity to lay upon the bier of Judge Dunbar my heartfelt tribute. I believe

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that I shall best meet what would be his wishes if I refrain from any fulsome eulogy of his character, but simply paint him as he was, a simple, honest man.

He was appointed to the bench of the Superior Court, and, although he had been in the State Senate, he came to us unheralded and comparatively unknown. He was in the prime of early manhood, sound and vigorous both in mind and body. He had been a country lawyer and he had had a country practice. He came here, however, well equipped with the knowledge of the law, and, better than that, with what is called a legal mind, that is, a mind attuned to the general principles upon which society is based, upon which good government is based, and by which it is controlled. He came with a mind so well attuned to those principles that he recognized almost intuitively

whether or not a principle cited to him had the true ring in it.

In a jury trial especially a *nisi prius* judge is frequently called upon to rule upon a question, suddenly presented, concerning which he for the moment can remember but little if anything said in the books, if indeed anything has been so said; and he is compelled to rely upon his knowledge of general principles. He has no opportunity to investigate, but must rule at once. If, in such a case, he bases his decision solely on his memory of what the books have said about that particular question, he merely guesses, and is as likely to be wrong as right. But if he has an intuitive perception of legal principles, a kind of a natural ability to distinguish between the sound and the unsound, such as it was the good fortune of Judge Dunbar to possess, then, whether or



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not he be conscious of it, he is following a guide likely to lead him to a right decision. A judge of a court of last resort is in a different position,—he has time enough to see what the books say; and so it often happens that a good *nisi prius* judge may fail in the upper court; and the man who fails in the lower court may sometimes do well in the upper court. Two different characteristics are needed. Judge Dunbar possessed both. He had that intuitive perception, and he had the ability to improve upon it by study and consultation of the books.

He was absolutely honest. I do not mean simply that he meant to do right, but he was no respecter of persons. Whoever appeared before him, whether in the capacity of lawyer or client, Judge Dunbar looked at him as we look at algebraic symbols, simply as  $x$  and  $y$ . He was independent, resolutely and em-

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phatically independent; mild in manner, but like a rock in his independence. I have seen much of it. I never had an opportunity to see him in action on the bench, but I can imagine well how he would act. Quick in grasping the point at issue; quick in making his decision; quick in announcing it and resolute in defending it, although there was no pride of opinion; if you could satisfy him that he was wrong, quick to withdraw a decision. I can conceive of no more effective or better judge as a *nisi prius* judge, which is the only capacity in which he ever acted in the courts of this Commonwealth, than Judge Dunbar.

So much has been already said that I think I ought not to say much more; but the simplicity of the man was wonderful. I doubt if those who saw him only in the consultation room realized the strong simplicity of his nature. I was

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on the bench when he came. I stayed there ten years with him. I was attracted to him from the first because of his geniality, because of the humanity of the man. He seemed to be a human being, with all the capacity for friendship that goes with a humane man. I learned to have the highest respect for him, and we became close friends, a friendship which constantly increased up to the day of his death. I can fully endorse all that has been said by Mr. Kellen. It seems to me that it is a very just statement of Judge Dunbar's character.

He came here determined to succeed, to succeed by merit, and he did succeed; and any one of us will indeed be fortunate of whom, upon his departure, so little can be said in adverse criticism, and so much in just praise, as can be said of Judge Dunbar. In all

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his relations, as husband, as father, as friend, as fellow lawyer, judge, citizen, or as a man, he met a high standard. By his departure all his friends and acquaintances in the profession and in the community at large in which he lived have sustained a severe loss.

The Hon. HENRY N. SHELDON, formerly an Associate Justice of the Supreme Judicial Court, then spoke as follows:

**A**FTER the very full memorial which has been read, and after the appropriate remarks which have been made by two of Judge Dunbar's most intimate friends, spoken words seem almost superfluous. And yet one would not wish to miss the opportunity to add his own tribute to the expressions of love and regret which the death of our friend Judge Dunbar has

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called forth from so many. It is difficult to use only that measured moderation which would seem appropriate in speaking of a man of such simplicity of character; and yet, as has already been said, it is true that the best eulogy of any man who really deserves eulogy is to be found in a bald and simple statement of the facts of his life and of the traits which have given to him the success that he attained. That has been done in the memorial which we have heard read, and in the remarks which have been made. I can add but a few words from my own experience.

It has been my good fortune to meet our deceased friend in almost all of the different ways in which lawyers and judges can be brought in contact with each other. During the first years of his service on the bench I tried cases before him. Afterward, for a few years,

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I served with him upon the bench of the Superior Court; and, like all of his associates upon the court, I became his admirer and his friend; and I rejoice to think that I was drawn to such a man by the bonds of friendship.

After he left the bench I saw something of him,—not so much as if he had been a regular trial lawyer, but he occasionally appeared in trials before me. He argued several questions of law before the full court during the period of my service there; and very many reports made by him as auditor, as master, or as commissioner—reports characterized by the traits which have been so well described by those who have spoken before me—came up to the court for consideration. In all of those matters I think that he showed exactly the same characteristics. He was direct and high-minded, he was forthright

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honest, as my brother Hammond has said, not merely with a personal integrity or the keeping of a promise, but with the intellectual honesty which scorns any paltering of reasons, which abhors any devious steps in argument. Plain, simple, but with the force of learning and the force of logic, he needed to rely upon nothing else; he did rely upon nothing else.

He had a singular facility for selecting the vital points in issue, whether they came before him as judge or whether he dealt with them as counsel. He could pick out those vital points and concentrate his attention upon them, although they might be surrounded and encumbered by a mass of details; and yet he never fell into the other error, which is no less common, of neglecting those details which really did bear upon the essential points of the case, and which

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might contribute to its decision. He was able to carry the whole of any question, and of the elements which surrounded it, in his mind, to concentrate upon the vital point involved in them, and yet to keep in view the considerations which had a bearing upon the weight and the effect of those elements.

He was keen and logical in his processes of thought. If he sometimes felt an impatience at the inconsequent and loose reasoning which is common among the laity, and which is not wholly unknown even among the members of our own profession, he never showed that impatience where its expression was out of place, though he could manifest, I will not say his contempt, but the slight consideration in which he held it, when the time came for the exposure of its fallacies and



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inconsistencies. He had a keen sense of humor and a real geniality of mind which made life more pleasant to himself and rendered his society a source of delight to those with whom he was associated.

In court, as a judge, his rulings were prompt and clear. He never sought to trim away his statements of law so as to cut down a chance of exception or appeal. He gave to one side the full benefit of what he believed to be the appropriate rule of law—no more than the full benefit, but with no diminution of that benefit; and he gave to the other side ample opportunity of testing afterward in the Appellate Court the correctness of his rulings. He could lay before the jury in a manner which I think was unsurpassed by any other *nisi prius* judge the claims and contentions of both parties and the bearing of

the evidence and the application of the law to those contentions. He appreciated the fact that when juries, in cases that do not appeal strongly to their prejudices or to their sympathies, go wrong, it is, at any rate not infrequently, due to the failure of the presiding judge to make clear to them the contentions of the different parties, the real facts which are in issue, the bearing of the evidence upon those facts, and the law, and the reasons for the law. Accordingly he never contented himself, in charging a jury, with a mere perfunctory statement of the law; he did not leave it to them to grapple helplessly with the applications of it, often more difficult than it is to state the rule of law itself. To juries he made clear both what the law was, and how it should be applied to the particular facts in issue. What is, perhaps, of not

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less importance, he was of very great assistance to all of his associates, so that they all, alike the oldest and the youngest in service, gained much help from his suggestions to them.

I think, as has been said, that nature fitted him for a judge. From my own observation of him, I am satisfied that it fitted him alike for a *nisi prius* judge and for a judge in the Appellate Courts. His resignation was a loss to the community. It took him from a career to which he was peculiarly adapted, in which I am very sure he would have attained the highest reputation and the highest position.

I do not attempt to deal with his private life. That has already been adequately done. It is enough to say that as a man, as a citizen, as a lawyer, and as a judge, he met the highest measure or standard that could be applied to him,

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and in his death we all of us feel that we have suffered a personal loss.

The memorial was then adopted by a rising vote, whereupon the Court was respectfully requested in due form to attend and receive it.

The Hon. HENRY K. BRALEY, an Associate Justice of the Supreme Judicial Court, then took his seat upon the bench, and, after receiving the memorial, addressed the meeting as follows:

**B**RETHREN of the Bar: No regret of failure in achievement or of decay is associated with our memory of James Robert Dunbar. While greater length of days could have been hoped for and desired, yet his was a well-rounded life. His personal appearance invited confidence and inspired respect, and whoever came in contact with him

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could not mistake his character or fail to recognize that he possessed large ability and sterling qualities. The record of such a man lives in the affectionate remembrance of those who knew him and in his works. As we contemplate them it is not saying too much that his passing is more than the severance of professional relations and the ties of friendship—it is a public loss.

I first met him as an associate on the Superior Court, of which he became a member after a successful career at the Hampden County Bar, where he was also conspicuous in public affairs, filling offices of much honor and responsibility. A well-equipped lawyer, with a taste for legal studies, of great clarity of perception and power of analysis, of capacity to deal with the most intricate questions, with an absolute regard for truth, and, above all, possessing that

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indispensable quality of a judge, sound judgment, he entered, at forty-one, upon what then seemed his life work.

The environment of his boyhood and early manhood had made him acquainted with the habits and methods of the everyday life of the community, and when called upon to apply the law to practical affairs his touch was both sure and sympathetic. In his instructions to juries—perhaps the greatest test of the capacity of a *nisi prius* judge—he was clear and accurate in reasoning, comprehensive in statement, and firm in expression. His courtesy and fairness were proverbial. No suitor ever went from his presence with just ground for complaint that he had not been patiently heard, or that his cause had not been fully understood.

The reputation of a judge ripens slowly. But when, after ten years in

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judicial office, Judge Dunbar felt compelled to return to practice, the Bar and the general public alike regretted the necessity, and recognized that the Commonwealth had lost one of her most efficient and accomplished servants. His associates deplored the departure of a friend whose counsel and companionship were deeply appreciated and cherished. The field of activity and of effort had indeed been changed, but the man remained unchanged. His qualities of sincerity, good sense, courage, and uprightness never lost their lustre during the seventeen succeeding years. The loyal service he rendered to clients, you who were associated with him and whose confidence and affection he had won, well know and appreciate. The art of

*How to engage his modest tongue*

*In suits of private gain through public wrong,*

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was foreign to his innate sense of justice and of fealty to the canons of his profession. Nor did he ever fail to recognize and respect the just rights of an opponent.

He held steadily to his course, without self-conceit or self-seeking, giving sagacious and faithful attention to the large interests entrusted to his keeping, but never surrendering his independence at the behest of any man. His clients became his friends, and his friends were many in all the walks of life. It could not have been otherwise, for his manners were considerate and kindly, and he was honest in head and heart.

The fleeting years, altho' freighted with responsibility, were not without many compensations. A delightful companion, with the best in literature ever at his command, the charm of his conversation and thorough humanness made



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him a welcome guest wherever he came, while travel enlarged his vision and refreshed and stimulated his powers. He did not live for himself alone or become unmindful of the demands of good citizenship. The gladsome light of his college days, made possible by the sacrifice of those who believed that education is one of the sure foundations on which a free state must rest, revealed clearly the duty of giving something of himself for the common weal. The obligation was honorably discharged, for he gave freely of his time and ability to promote the public welfare of the town where he lived; and he was benevolent and charitable in the best sense of the terms.

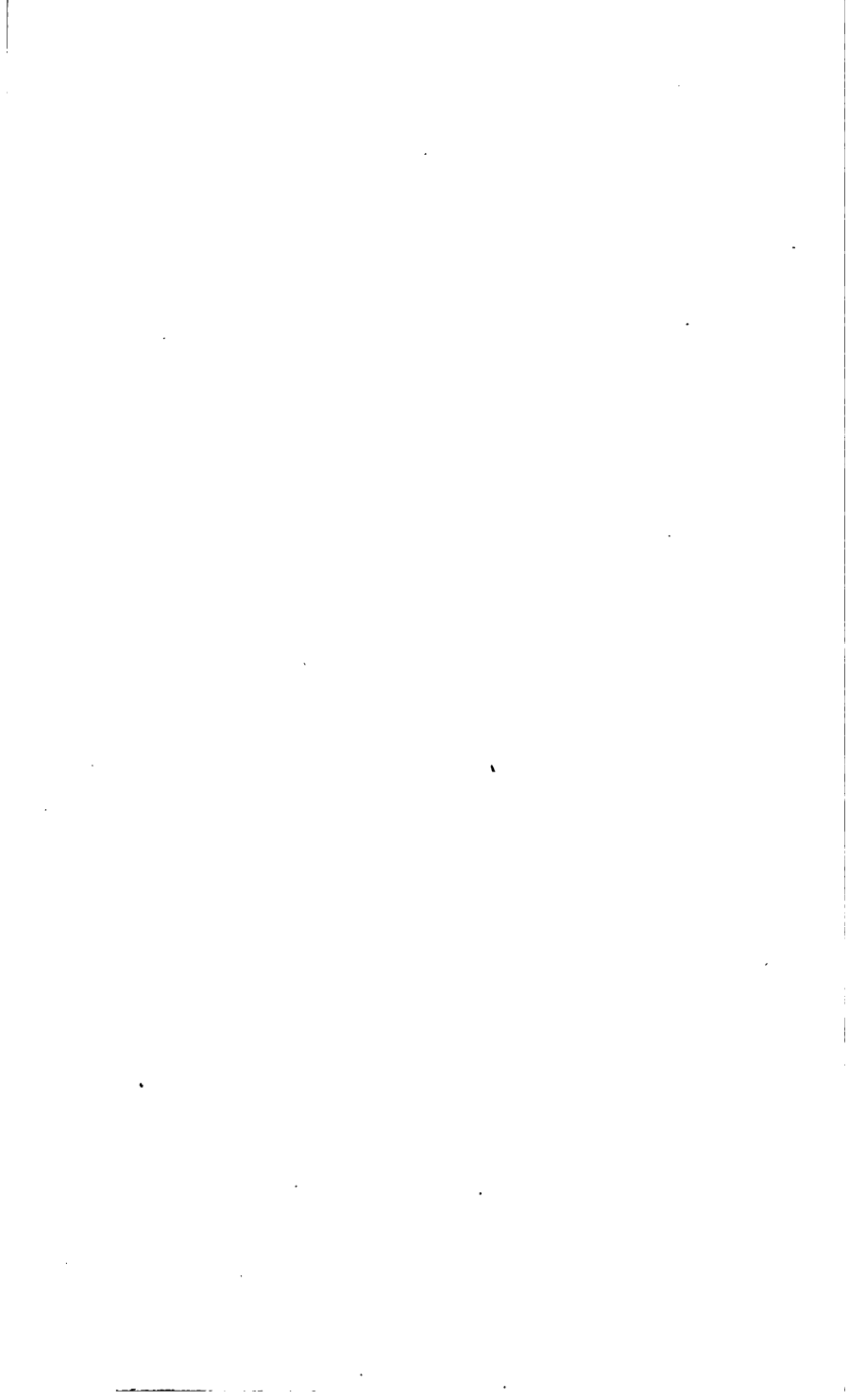
In his home the cares of the office and the contests of the court room were laid aside, and he regarded the happiness of his household as being above all

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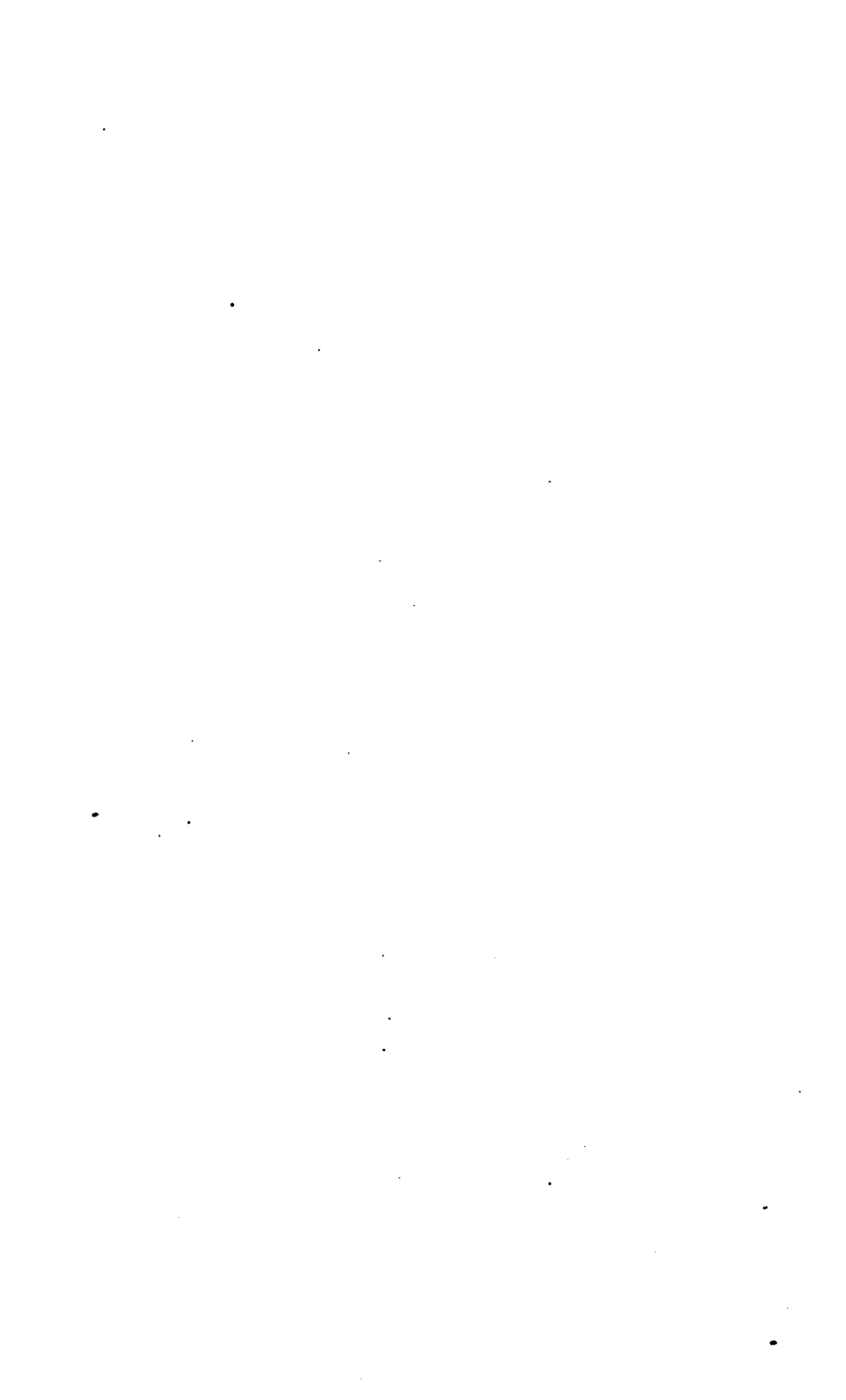
considerations of his own personal convenience and comfort. The tide never ebbed until the closing months set in, and then a noble and useful life, rich in honors and in virtues, ended on earth as he entered the iron gate with a sure and steadfast hold on "the substance of things hoped for, the evidence of things not seen."

In accordance with your request your memorial, with a memorandum of these proceedings, will be recorded, and the Court will now adjourn.

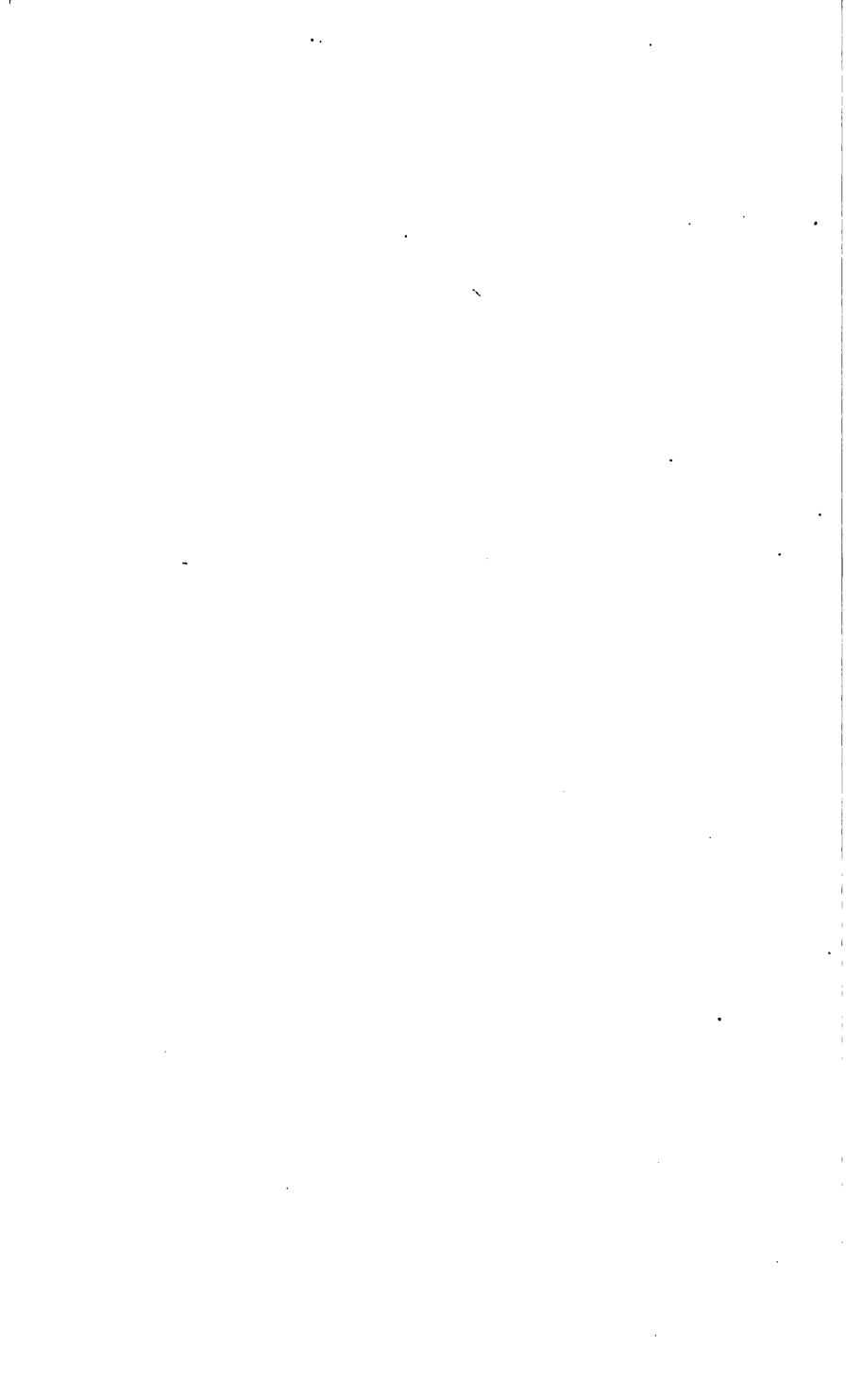
The Court was then adjourned, and the Meeting dissolved.











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